IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

OP.No. 13288 of 1998(F)

PETITIONER:

S.MUHAMMED ISMAIL, S/O. LATE A.SULAIMAN RAWTHER, AGED 44 YEARS, BUSINESSMAND, A.S.R.BUNGLOW, ENGLISH CHURCH ROAD, PALAKKAD.

BY ADV. SRI.T.R.RAVI

RESPONDENTS:
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1. **STATE OF KERALA REP.BY ITS CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM**
2. **THE DIVISIONAL FOREST OFFICER, NEMMARA, PALAKKAD.**
3. **THE FOREST RANGE OFFICER, PALAKKAD.**
4. **THE DISTRICT COLLECTOR, PALAKKAD.**

BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.23262/1998 IN OP. NO.13288/1998

DISMISSED

13.06.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER IN CCC 131/97 OF HIGH COURT DT. 9.6.97.

EXT.P2:- COPY OF THE APPLICATION BY THE PETITIONER DT. 17.7.97.

EXT.P3:- COPY OF THE ORDER NO.K2/1104/97 DT. 3.3.98 BY R3.

EXT.P4:- COPY OF THE ORDER NO.LRG1.28338/96 DT. 6.6.96 BY R4.

EXT.P5:- COPY OF THE ORDER NO.LRG1.28338/96 DT. 26.6.96.

EXT.P6:- COPY OF THE LETTER NO.LRG 1-12987/98/K.DIS DT. 20.5.8.

EXT.P7:- COPY OF THE LETTER NO.K2/1104/97 DT. 26.5.98 BY R3.

EXT.P8:- COPY OF THE MAHAZAR DT. 6.7.97.

EXT.P7:- COPY OF THE SRO.1630/95 DT. 26.11.85 (NOTIFICATION NO.3407/E1/85/FE & WLD.).

/TRUE COPY/

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KURIAN JOSEPH J.

O.P. NO.13288 OF 1998

Dated 13th June, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "To call for the records leading upto Exts.P4, P5, P6, P7 and P9 and to quash the same by the issuance of a writ of certiorari or such other writ order or direction;
>
> (ii) To issue a writ of mandamus directing the respondents to refrain from implementing Exts.P4, P5, P6, P7 and P9 in respect of the petitioner's estate which have been found to be not vested forests by the Hon'ble Supreme Court."

Learned Government Pleader submits that the disputed area has since been notified as an ecologically fragile land. Therefore, the writ petition is disposed of making it clear that in case the petitioner has still any grievance left, it will be open to him to pursue the same in appropriate proceedings.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J.

O.P. NO.13288 OF 1998 (F)

J U D G M E N T

Dated 13th June, 2007.